

## **Bengal Rhinoceros Preservation Act, 1932**

**08 of 1932**

**[23 June 1932]**

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## **Bengal Rhinoceros Preservation Act, 1932**

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### PREAMBLE

An Act to provide for the preservation of wild rhinoceros.

Whereas it is expedient to provide for the preservation of wild rhinoceros in Bengal;

It is hereby enacted as follows:-

1. In terms of the provisions of sub-section (3) of section 3 read with Schedule III of the West Bengal Transferred Territories (Assimilation of Laws) Act, 1958 (West Ben. Act XIX of 1958), this Act shall not extend to, or come into force in, the territories transferred from the State of Bihar to the State of West Bengal by Section 3 of the Bihar and West Bengal (Transfer of Territories) Act, 1956 (XL of 1956).
2. For Statement of Objects and Reasons, see the Calcutta Gazette of 1932, Pt. IV, page 79; and for Proceedings in Council-see the Bengal Legislative Council Proceedings, Vol. XXXVIII, No. 3, page 806.

### **1. Short title and extent :-**

(1) This Act may be called the Bengal Rhinoceros Preservation Act, 1932.

(2) It extends to the whole of <sup>1</sup>[West Bengal].

1. The words "West Bengal" were substituted for the word "Bengal" by Art. 3(2) of the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

## **2. Killing, injuring or capturing of wild rhinoceros prohibited :-**

No person shall kill, injure or capture, or attempt to kill, injure or capture, a wild rhinoceros, unless-

(a) in defence of himself or some other person; or

(b) with the permission of the <sup>1</sup>[State Government] given in a license issued under rules to be made in this behalf by the <sup>1</sup>[State Government].

1. The words "Provincial Government" were originally substituted for the words "Local Government" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

## **3. Penalty for contravening section 2 :-**

(1) Whoever in contravention of section 2, kills, injures or captures, or attempts to kill, injure or capture, a wild rhinoceros, shall be punished with imprisonment for a term which may extend to one month or with fine which may extend to one thousand rupees or with both.

(2) Whoever having been convicted of an offence under sub section (1) of this section, is again convicted of an offence thereunder shall be punished with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.

## **4. Rhinoceros killed or captured to be property of Government :-**

Every wild rhinoceros killed captured <sup>1</sup>[in West Bengal] by any person otherwise than with the permission of the <sup>2</sup>[State Government] given under section 2, and all parts of such rhinoceros

shall be the property of the <sup>2</sup>[State Government].

1. The words "in Bengal" were originally inserted by Section 2 of the Bengal Rhinoceros Preservation (Amendment) Act, 1937 (Ben. Act II of 1938), and thereafter the words "West Bengal" were substituted for the word "Bengal" by Art. 3(2) of the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

2. The words "Provincial Government" were originally substituted for the words "Local Government" by paragraph 4(1) of the Government of India (Adaptation of Indian Laws) Order, 1937, and thereafter the word "State" was substituted for the word "Provincial" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

**4A. Possessing, selling or buying of any pan of rhinoceros prohibited :-**

<sup>1</sup>[ No person shall without the permission of the <sup>2</sup>[State] Government possess, sell or buy, or offer to sell or buy, any part of a rhinoceros unless he has reason to believe that such rhinoceros is not the property of the <sup>2</sup>[State] Government.

Explanation.-The expression "reason to believe" occurring in this section has the meaning assigned to it in section 26 of the Indian Penal Code (Act XLV of 1860).]

1. Sections 4A and 4B were inserted by Section 3 of the Bengal Rhinoceros Preservation (Amendment) Act, 1937 (Ben. Act II of 1938).

2. The word "State" was substituted for the word "Provincial" by paragraph 4( 1) of the Adaptation of Laws Order, 1950.

**4B. Penalty for contravening section 4A :-**

(1) Whoever in contravention of section 4A possesses, sells or buys, or offers to sell or buy, any part of a rhinoceros, shall be punished with fine which may extend to one thousand rupees.

(2) Whoever having been convicted of an offence under sub section (I) of this section is again convicted of an offence thereunder, shall be punished with fine which may extend to two thousand rupees.

**5. Duty to report killing, injuring or capturing of rhinoceros :-**

In the event of any person killing, injuring or capturing a wild rhinoceros in defence of himself or of some other person, he shall

within three days of such event report the fact in writing to the officer-in-charge of the nearest police-station or to the Forest Officer or the District or Sub divisional Magistrate within whose jurisdiction the event took place.

**6. Penalty for contraven tion of section 5 :-**

Whoever without reasonable excuse omits to make the report referred to in section 5, shall be punished with fine which may extend to five hundred rupees.

**7. Amendment of Act VIII of 1912 :-**

The Wild Birds and Animals Protection Act, 1912, (VIII of 1912) shall, in its application to <sup>1</sup>[West Bengal] be amended as follows, namely,-

In clause (ii) of the Schedule to the said Act the word "rhinoceroses," shall be omitted.

1. The words "West Bengal" were substituted for the word "Bengal" by Art. 3(2) of the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.